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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,698	11/28/2001	Kazuhiko Ikeuchi	1081.1134	7926

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EXAMINER

PEUGH, BRIAN R

ART UNIT	PAPER NUMBER
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2187

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/994,698

Applicant(s)

IKEUCHI ET AL.

Examiner

Brian R. Peugh

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6, 8, 9 and 12 is/are rejected.  
7) ☒ Claim(s) 7, 10 and 11 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to Applicant's communication filed February 2, 2004, in response to PTO Office Action dated October 31, 2003. The applicant's remarks and amendment to the specification and/or claims were considered with the results that follow.

Claims 1-12 have been presented for examination in this application. In response to the last Office Action, claims 1-12 have been amended.

The Examiner left a message with Applicant's Representative, Gene M. Garner II, Reg. No. 34,172, on March 30, 2004 regarding the following rejections. A response to the message had not been received by the Examiner before the completion of the current Office Action.

### ***Claim Objections***

Claims 1-12 are objected to because of the following informalities:

Regarding claim 1, line 21: Replace "each said management module" with --each of said plurality of management modules-- in order to correspond with the claim limitation of line 7.

Regarding claim 1, line 24: Replace "request" with --requests--.

Regarding claim 1, line 29: Insert --said-- before "plurality" in order to correspond with the claim limitation of line 14.

Regarding claim 7, line 3: Insert --of said different logical volumes-- after "volume" in order to correspond with the claim limitation of lines 2-3.

Regarding claim 7, lines 6 & 7: Insert --one-- after "said" in order to correspond with the claim limitation of line 3.

Regarding claim 8, line 3: Replace "one" with --a first-- and "another" with --a second-- in order to clearly differentiate the two management modules.

Regarding claim 8, line 4: Replace "one" with --first--.

Regarding claim 9, line 3: Replace "one" with --a first--.

Regarding claim 9, line 4: Replace "another" with --a second--.

Regarding claim 9, line 4: Replace "another" with --said second--.

Claims 2-6 and 10-12 are objected to as being dependent upon a previously objected claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8, 9, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said one of plurality of physical disks" in line 14. There is insufficient antecedent basis for this limitation in the claim. A single "one" of the "a plurality of physical disks" (line 2) had not been previously identified. If the identifying of a single disk of the plurality of disks had been the intent, substitution of the phrase "said one of plurality of physical disks" with "one of said plurality of physical disks", or a similar such phrase, would correctly identify the intended claim limitation.

Claim 1 recites the limitation "a plurality of said management tables" in line 18. There is insufficient antecedent basis for this limitation in the claim. A plurality of "said management tables" had not been previously identified. If the intent of the phrase was to correspond to the "plurality of management tables" (line 11), substitution of the phrase "a plurality of said management tables" with "said plurality of management tables", or a similar such phrase, would correctly identify the intended claim limitation.

Claim 3 recites the limitation "said logical format management module" in line 5. There is insufficient antecedent basis for this limitation in the claim. A "logical format management module" had not been previously recited.

Claim 8 recites the limitation "said logical formatting of said physical disks" in line 2. There is insufficient antecedent basis for this limitation in the claim. A method for the "logical formatting of said physical disks" had not been previously recited.

Claim 9 recites the limitation "the management table of said physical disks" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. A "management table" had not been previously attributed to "said physical disks".

Claim 9 recites the limitation "said management table of another logical format management module" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. A "management table" had not been previously attributed to a "logical format management module".

Claim 12 recites the limitation "said logical format" in line 5. There is insufficient antecedent basis for this limitation in the claim. It is unclear to the Examiner whether the "said logical format" of line 5 refers to the "logical format processing request" of line 5.

Claims 2 and 4-6 are rejected as being dependent upon a previously rejected claim.

***Allowable Subject Matter***

Claim 7 is objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 11 are objected to as being dependent upon a previously objected claim claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 2-6, 8, 9, and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Peugh whose telephone number is 703-306-5843. The examiner can normally be reached on Monday-Thursday from 7:00am to

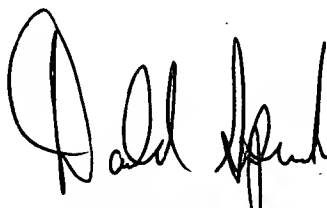
Art Unit: 2187

4:30pm. The examiner can also be reached on alternate Friday's from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks, can be reached on (703) 308-1756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

DS/BRP



Donald Sparks  
Supervisory Patent Examiner  
Art Unit 2187

April 1, 2004